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From: Ozone Implementation Team [no-reply@sharepointonline.com]
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Subject: Ozone in the News - EPA Could Delay Decisions on Which...

 EPA Could Delay Decisions on Which... has been added



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Title: EPA Could Delay Decisions on Which States Exceed Ozone Standards

Body: Bloomberg BNA

EPA Could Delay Decisions on Which States Exceed Ozone Standards



Snapshot

- EPA tells states it could delay decisions on which regions violate new ozone standards
- Delay may be another indication the agency wants to roll back the ozone requirements
- Any delay would draw lawsuits from environmental groups

By Andrew Childers

The EPA could postpone for up to a year the next step in implementing more stringent federal air pollution standards for ozone, which may signal the requirements could come under assault from the Trump administration.

The Environmental Protection Agency has until Oct. 1 to determine which regions of the country do not meet the national ambient air quality standards for ozone of 70 parts per billion, last revised in 2015. But the agency is telling states that it could take an additional year to make those designations.

The EPA did not respond to requests for comment, but Paul Miller, deputy director and chief scientist at nonprofit Northeast States for Coordinated Air Use Management, told Bloomberg BNA that agency officials said at a June 6 meeting of the Ozone Transport Commission that they would take additional time to make those nonattainment designations.

Parts of at least 22 states are unlikely to meet the 2015 ozone standards, according to a recent survey by Bloomberg BNA.



The next step would be sending out letters to states, expected this month, indicating areas where the EPA disagreed with their recommendations for which regions would not meet the new ozone standards. The EPA told state officials that those letters will be delayed, Miller said.

"They indicated they had up to another year, a third year, before doing this," he said. "They didn't actually say they were going to take three years, but they were going to delay. How long I don't know."

Robert Hodanbosi, chief of the Air Pollution Division at the Ohio EPA, said June 6 at the Air & Waste Management Association annual conference in Pittsburgh that the EPA told state regulators that those letters would be delayed.

While the Clean Air Act allows the EPA to take up to an additional year to determine which areas fail to meet the new ozone standards in instances where it lacks sufficient data to make a decision, the law does not give the agency the power to postpone designations nationwide, John Walke, director of the Natural Resources Defense Council's Clean Air Project, told Bloomberg BNA.

"Legally, they may do nothing other than designations on Oct. 1, 2017," he said. "If they break the law, they will face a lawsuit the very first day."

Ozone in the Crosshairs?

Some states worry the EPA's delay is the first step toward rolling back the updated ozone standards. EPA Administrator Scott Pruitt challenged the more stringent requirements as Oklahoma attorney general. The agency also asked a federal court to halt legal challenges to the ozone standards while it evaluates the rule.

"A number of states in our region are worried that this either delays making the planning requirements and reductions to achieve the more protective standards, or this actually may indicate an effort on the current administration's part to roll back those standards," Miller said.

Extending the deadline to decide which regions do not meet the standards would allow the EPA to ready tools for states to address naturally occurring ozone, which is particularly a problem in some Western states, or allow more time for states to inventory sources of pollution, Clint Woods, executive director of the Association of Air Pollution Control Agencies, said in an email.

Regardless of the EPA's plans to delay the ozone nonattainment designation process, states are still obligated to submit plans by October 2018 to prevent pollution from interfering with downwind states' ability to meet the updated standards, which could even affect some states deemed to be in compliance with the new requirements, Woods said.

—With assistance from Patrick Ambrosio in Pittsburgh.

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